

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2575

Introduced by Assembly Member Chesbro
(Coauthor: Assembly Member Evans)

February 19, 2010

An act to add Article 5.5 (commencing with Section 4564) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2575, as amended, Chesbro. Resources: watersheds.

The Z'berg-Nejedly Forest Practice Act of 1973, among other things, prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and unless the plan has been approved. Existing law requires the Board of Forestry and Fire Protection to adopt certain forest practice rules and regulations to minimize the effects of erosion on water resources and lakes.

This bill would require the department and the board when implementing a pilot project to protect and restore the riparian zone in watersheds with listed anadromous salmonids to, among other things, ensure that the industry, agencies, and the public have equal opportunity to participate in the development of the pilot project in a transparent manner and that the pilot project have certain goals.

The bill would require the board or a technical advisory committee to develop recommendations for providing electronic public access to all relevant documents that assist the department in administering timber harvest regulations for actions that occur on a planning watershed scale. The bill would also require all documents that form the basis for the pilot projects to be posted on the department's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 ~~(a) There are crucial problems within the watersheds of~~
4 ~~California that have resulted, to a large extent, in the listing of fish~~
5 ~~and other wildlife species under the California Endangered Species~~
6 ~~Act or federal Endangered Species Act.~~
7 ~~(b)~~
8 (a) There are numerous water bodies in California that have
9 been declared by the State Water Resources Control Board to be
10 impaired due to excessive sedimentation, high water temperatures,
11 and pollutants.
12 ~~(c) Sequestration of carbon in forest lands is a vital component~~
13 ~~in slowing climate change, and adequate understanding and actions~~
14 ~~to respond to this need have not been determined nor implemented.~~
15 (b) *Sequestration of carbon in forest lands is a vital component*
16 *of California's climate change strategy as articulated by the*
17 *Climate Action Team and the Air Resources Board.*
18 ~~(d)~~
19 (c) The regions of California that have state or federal listed
20 anadromous salmonid species are often predominately forest lands
21 that are subject to the Z'berg-Nejedly Forest Practice Act of 1973,
22 pursuant to Chapter 8 (commencing with Section 4511) of Part 3
23 of Division 4 of the Public Resources Code, for purposes of review
24 and approval of logging plans. These plans include, but are not
25 limited to, timber harvest plans (THPs), nonindustrial timber
26 management plans (NTMPs), Sustained Yield Plans (SYPs), and
27 Program Timberland Environmental Impact Reports (PTEIR).

1 ~~(e) There have been, and continue to be, concerns about the~~
2 ~~impacts of forest management on the health of watersheds and the~~
3 ~~species that depend on them. Forest practice rules addressing the~~
4 ~~potential impacts to anadromous salmonids, for example, have~~
5 ~~only recently been adopted in a comprehensive fashion despite~~
6 ~~over a decade of litigation and deliberation by the state. In the~~
7 ~~meantime, most native salmon and steelhead species are listed as~~
8 ~~threatened or endangered and, as of 2006, there are 410 rivers or~~
9 ~~streams on the north coast of the state that are listed as~~
10 ~~sediment-impaired under the federal Clean Water Act (33 U.S.C.~~
11 ~~Sec. 1251 et seq.). Moreover, it has been well documented that~~
12 ~~the existing rules addressing cumulative effects analyses are~~
13 ~~woefully inadequate and appear to exist in isolation of the processes~~
14 ~~of forest management, watershed restoration, and other recovery~~
15 ~~activities.~~

16 ~~(f) Significant, but at times limited, gains have been made in~~
17 ~~(d) Important gains have been made in forest land resource~~
18 ~~protection and conservation since the Z'berg-Nejedly Forest~~
19 ~~Practice Act of 1973, including the application of the California~~
20 ~~Environmental Quality Act (CEQA), and various state and federal~~
21 ~~water quality and fish and game statutes and regulations. These~~
22 ~~statutes and regulations have led to some improvements, including,~~
23 ~~among other things, the fact that logs are no longer yarded down~~
24 ~~streambeds, landings are not placed in streams, riparian buffers~~
25 ~~have evolved, certain large trees along watercourses are retained,~~
26 ~~and lower impact road building techniques are required. statutes~~
27 ~~and regulations.~~

28 ~~(g)~~
29 ~~(e) There are still opportunities for improvement by the~~
30 ~~development of a comprehensive cumulative effects review process~~
31 ~~that is conducted in cooperation with landowners and other~~
32 ~~stakeholders. A good An effective cumulative effects process can~~
33 ~~provide the information necessary to restore and recover fish and~~
34 ~~wildlife populations, to improve the quality and quantity of timber,~~
35 ~~to take actions to reduce fire hazards, to sequester carbon, to~~
36 ~~produce energy, and to create jobs.~~

37 SEC. 2. Article 5.5 (commencing with Section 4564) is added
38 to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,
39 to read:

Article 5.5. Comprehensive Forest Land Recovery and
Restoration Act

4564. When implementing a pilot project pursuant to a regulation adopted in accordance with Section ~~4551.5 or 4551, 4551.5, or 4562.7~~, to protect and restore the riparian zone in watersheds with listed anadromous salmonids, the department and board shall comply with all of the following:

(a) Provide the industry, agencies, and the public with equal opportunity to participate in the development of a pilot project in a transparent manner.

(b) A pilot project shall result in the ~~adoption~~ *development* of guidelines for conducting a cumulative effects evaluation on a planning watershed scale, and shall address the potential project-specific planning watershed cumulative effects of timber harvesting activities. In particular, the guidelines shall require the following:

~~(1) The spatial scale of the cumulative effects analysis to be consistent with the resources of concern, including watersheds and soil productivity, and with the physical processes, including erosion, that influence those resources.~~

(1) The spatial scale of the cumulative effects analysis to be consistent with the site-specific and cumulative impacts of the project in the watershed and its physical processes.

(2) The use of reproducible, quantitative methods of evaluation as the primary means of determining baseline physical, chemical, or biological parameters, in estimating cumulative impacts, and in monitoring implementation of mitigation measures.

~~(3) Sufficient documentation that supports the conclusions and recommendations of an evaluation.~~

(3) Documentation of the conclusions and recommendations.

~~(4) The evaluator to have relevant training and experience.~~

(4) An evaluation by a person or entity with relevant training and experience.

(c) Consult with and seek comment from appropriate scientific experts in order to develop evaluation guidelines that are feasible, enforceable, and protective of the public trust. The department and the board may draw from information in the State of Washington's Watershed Analysis Manual or the Methods Manual developed

1 by the State of California's North Coast Watershed Assessment
2 Program when developing guidelines.

3 (d) A pilot project shall have one or more of the following goals:

4 (1) Restore fisheries and wildlife habitat.

5 (2) Reduce the risk of wildfire.

6 (3) Recover forest characteristics which will produce
7 high-quality timber.

8 (4) Reduce sedimentation and soil loss.

9 (5) Achieve long-term carbon sequestration.

10 (6) Restore and recover unique attributes of a given planning
11 watershed.

12 (e) A pilot project shall be consistent with state and federal
13 mandates governing coho recovery and restoration of impaired
14 water bodies.

15 (f) Funding and personnel for the development and
16 implementation of pilot projects shall be utilized from existing
17 department and responsible agencies' budgets and personnel.
18 Additional funding shall be sought from private and public sources,
19 statewide and nationally, with an emphasis on receiving support
20 from educational institutions.

21 (g) (1) *The board or a technical advisory committee shall*
22 *develop recommendations for providing electronic public access*
23 *to all relevant documents that assist the department in*
24 *administering timber harvest regulations for actions that occur*
25 *on a planning watershed scale.*

26 (2) *All documents that form the basis for the pilot projects that*
27 *are developed pursuant to this section shall be posted on the*
28 *department's Internet Web site.*